

FIRST REGULAR SESSION

# SENATE BILL NO. 571

## 91ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR DOUGHERTY.

Read 1st time February 27, 2001, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

0163L.011

### AN ACT

To repeal sections 451.151, 488.445 and 488.607, RSMo 2000, relating to funding for shelters for domestic violence, and to enact in lieu thereof four new sections relating to the same subject.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 451.151, 488.445 and 488.607, RSMo 2000, are repealed and four new sections enacted in lieu thereof, to be known as sections 451.151, 455.227, 488.445 and 488.607, to read as follows:

451.151. 1. In addition to any other fee for the issuance of a marriage license there is hereby imposed a fee of twenty dollars to be paid by the person applying for such license. Such fee shall be collected by the recorder of deeds at the time the marriage license is issued.

2. In addition to any other fee for a certified copy of a marriage license there is hereby imposed a fee of seven dollars to be paid by the person applying for such certified copy. Such fee shall be collected by the recorder of deeds at the time the certified copy is issued. The recorder of deeds shall have the authority to differentiate, for fee imposition purposes, between a certified copy and a mere photocopy copy.

3. The recorder of deeds shall, at the end of each month, forward fifteen dollars for the issuance of a marriage license to the director of the department of revenue for deposit in the children's trust fund established in section 210.173, RSMo, and five dollars for the issuance of a marriage license shall be [paid to the county treasurer and deposited in a special trust fund to be expended only to provide financial assistance] **forwarded to the director of the department of public safety for distribution pursuant to section 455.227, RSMo**, to shelters for victims of domestic violence, established pursuant to sections 455.200 to 455.230, RSMo. The recorder of

**EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

deeds shall at the end of each month forward seven dollars for each certified copy of a marriage license to the children's trust fund established in section 210.173, RSMo.

**455.227. 1. The director of the department of public safety shall apportion and distribute any fees or surcharges collected by counties and cities pursuant to section 451.151, RSMo, and sections 488.445 and 488.607, RSMo, to shelters for victims of domestic violence established pursuant to sections 455.200 to 455.230.**

**2. The director of public safety shall determine, at least annually, which facilities in this state shall be classified as shelters for victims of domestic violence. The director of public safety may require of a facility seeking to be classified as a shelter for victims of domestic violence whatever information is reasonably necessary to make such a determination. The director of public safety shall classify a facility as a shelter for victims of domestic violence if such facility meets the definition set forth in section 455.200.**

**3. The director of public safety shall establish a procedure by which the fees and surcharges collected by a county or city pursuant to section 451.151, RSMo, and sections 488.445 and 488.607, RSMo, are apportioned and distributed to all facilities classified as shelters for victims of domestic violence in such county or city. If a shelter for victims of domestic violence fails to use all, or some percentage to be determined by the director of public safety, of its apportioned fees and surcharges, the director of public safety may redistribute these unused fees and surcharges to those shelters for victims of domestic violence in the same county or city that have used all, or some percentage to be determined by the director of public safety, of their apportioned fees and surcharges. The director of public safety may reapportion more than once during each fiscal year.**

488.445. 1. The governing body of any county, or of any city not within a county, by order or ordinance to be effective prior to January 1, 2001, may impose a fee upon the issuance of a marriage license and may impose a surcharge upon any civil case filed in the circuit court. The surcharge shall not be charged when costs are waived or are to be paid by the state, county or municipality.

2. The fee imposed upon the issuance of a marriage license shall be five dollars, shall be paid by the person applying for the license and shall be collected by the recorder of deeds at the time the license is issued. The surcharge imposed upon the filing of a civil action shall be two dollars, shall be paid by the party who filed the petition and shall be collected and disbursed by the clerk of the court in the manner provided by sections 488.010 to 488.020. Such amounts shall be payable to the [treasuries of the counties from which such surcharges were paid] **director of the department of public safety.**

3. At the end of each month, the recorder of deeds shall file a verified report with the

[county commission] **director of the department of public safety** of the fees collected pursuant to the provisions of subsection 2 of this section. The report may be consolidated with the monthly report of other fees collected by such officers. Upon the filing of the reports the recorder of deeds shall forthwith pay over to the [county treasurer] **director of the department of public safety** all fees collected pursuant to subsection 2 of this section. The [county treasurer shall deposit all such fees upon receipt in a special fund to be expended only to provide financial assistance] **director of the department of public safety shall, pursuant to section 455.227, RSMo, distribute such fees** to shelters for victims of domestic violence as provided in sections 455.200 to 455.230, RSMo.

488.607. In addition to all other court costs for county or municipal ordinance violations, any county or any city having a shelter for victims of domestic violence established pursuant to sections 455.200 to 455.230, RSMo, or any municipality within a county which has such shelter, or any county or municipality whose residents are victims of domestic violence and are admitted to such shelters may, by order or ordinance to be effective prior to January 1, 2000, provide for an additional surcharge in the amount of two dollars per case for each criminal case including county or municipal ordinance violation case filed before a municipal division judge or associate circuit judge. No surcharge shall be collected in any proceeding when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the state, county or municipality. Such surcharges collected by municipal clerks in municipalities electing or required to have violations of municipal ordinances tried before a municipal judge pursuant to section 479.020, RSMo, or to employ judicial personnel pursuant to section 479.060, RSMo, shall be [disbursed to the city] **forwarded to the director of the department of public safety** at least monthly, and such surcharges collected by circuit court clerks shall be collected and disbursed as provided by sections 488.010 to 488.020. Such fees shall be payable to the [city or county wherein such fees originated] **director of the department of public safety**. The [county or city] **director of the department of public safety** shall [use] **distribute** such moneys **pursuant to section 455.227, RSMo**, only for the purpose of providing operating expenses for shelters for battered persons as defined in sections 455.200 to 455.230, RSMo.